

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, and in light of the following remarks, are respectfully requested.

Amendments

The specification has been amended as suggested by the examiner.

Rejection under 35 U.S.C. §112[2]

The rejection hereunder is traversed.

The paragraph at page eight (lines 12-17) describes "air blockage points 32" (see Fig. 4) which act as "dams, or raised portions, that block and direct gas flow." The full sentence states that the mold or stamp used to crimp the structure makes the dams.

Accordingly, it is clear to one of ordinary skill in this art that the invention describes a *knitted* mesh that is then formed into a herringbone configuration by molding (such as being forced between two rotating molding cylinders).

Rejection under 35 U.S.C. §103

The rejections hereunder are respectfully traversed.

First, applicant traverses the examiner's characterization of one skilled in these arts, especially because the artisan of ordinary skill is *not* one who undertakes to innovate:

Inventors, as a class, according to the concepts underlying the Constitution and the statutes that have created the patent system, possess something -- call it what you will -- which sets them apart from the workers of *ordinary* skill, and one should not go about determining obviousness under § 103 by inquiring into what *patentees* (i.e., inventors) would have known or would likely have done, faced with the revelations of references. A person of ordinary skill in the art is also presumed to be one who thinks along the line of conventional wisdom in the art and is not one who undertakes to innovate, whether by patient, and often expensive, systematic research or by extraordinary insights, it makes no difference which.

The Standard Oil Company v. American Cyanamid Company, 227 USPQ 293, 297-8 (Fed. Cir. 1985) (italics in original, underlining added).

The present claim recites a composite structure: a knitted mesh that is further crimped into a herringbone configuration.

The mere existence of a technique does not render its use automatically obvious.

With respect to the rejection over the combination of Yamada and Harding, Yamada's "structures with corrugations" are improperly considered by the examiner to be "dams" as claimed. Harding shows a single helical die pair (col. 4, ln. 34-42, and Fig. 4) which secures a wire mesh rope into the end. Yamada mentions only a mesh, not whether such is woven or knitted. It is clear from applicant's Fig. 4 and the accompanying disclosure that the herringbone crimping results in "raised portions" which are clearly different than the mere corrugations or undulations as shown in Fig. 5 of Harding (the "d" dimension). The claim does not read on the wave structures of Yamada. There is no teaching or suggestion in the cited art to form any patterns other than the helical pattern shown by Harding, which by virtue of its *lack* of raised portions (dams) provides an *uninterrupted conduit* along the mesh. None of the cited art teaches crimping to provide both the undulations (Fig. 5 of Harding) *and* raised portions that cut off gas flow. Harding's intent is to include a knitted wire mesh rope (44) buried in the knitted mesh sheet at the end of the converter which acts as a seal, and so is not trying to stop gas flow by altering the configuration of the knitted mesh.

With respect to the rejection over the combination of Santiago and Machida, the final rejection has failed to address the remarks in the previous rejection: that Machida teaches away from using a wire mesh, especially a wire mesh in combination with an non-intumescent material in the comparative examples (col. "76" (actually col. 10); first full paragraph). The finality of this rejection is therefore improper and should be withdrawn. Of these references, only Harding discloses a knitted wire mesh with a pattern molded therein, and so the same deficiencies apply as described in the previous paragraph.

Accordingly, all of these rejections should be withdrawn.